

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

WILLIAM THOMAS WEEMS,

Defendant-Appellee.

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UNPUBLISHED

October 26, 2001

No. 232009

Saginaw Circuit Court

LC No. 00-018522-FH

Before: Whitbeck, P.J., and Neff and Hoekstra, JJ.

MEMORANDUM.

Plaintiff appeals by delayed leave granted the trial court's order granting defendant's motion to strike his conviction of possession of a firearm during the commission of a felony, MCL 750.227b. We reverse and remand for further proceedings. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant pleaded guilty to both felony-firearm and felon in possession of a firearm, MCL 750.224f. Prior to sentencing, the trial court granted defendant's motion to strike the conviction of felony-firearm on the ground that his convictions violated double jeopardy.

Both the United States Constitution and the Michigan Constitution prohibit placing a defendant twice in jeopardy for the same offense. US Const, Am V; Const 1963, art 1, § 15. The Double Jeopardy Clauses provide safeguards against both successive prosecutions for the same offense and multiple punishments for the same offense. *People v Dillard*, 246 Mich App 163, 165; 631 NW2d 755 (2001).

We reverse the trial court's order striking defendant's conviction of felony-firearm, and remand for further proceedings consistent with this opinion. The felony-firearm statute and the felon in possession statute were intended to prohibit different crimes, and are amenable to distinct and separate punishments. Conviction of both offenses does not violate guarantees against double jeopardy. *Id.* at 167-168, 170-171.

Reversed and remanded. We do not retain jurisdiction.

/s/ William C. Whitbeck

/s/ Janet T. Neff

/s/ Joel P. Hoekstra